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4-500
SC

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

APR 4 2000

ANTHONY C. BRENEISER,
Plaintiff

MARY E. D'ANDREA, CLERK
Per 9/18
Deputy Clerk

vs.

CIVIL ACTION NO. 1:CV-00-0278

CHARLES J. ALIANO,
WILLIAM BRENNAN,
WILLIAM GREGORY,
CHUCK BAUER, and
CLEM NAYLOR,
Defendants

(Judge Caldwell)

(Magistrate Judge Smyser)

O R D E R

AND NOW, this 4th day of April, 2000, upon consideration of the Report of the United States Magistrate Judge, dated February 28, 2000, to which no exceptions have been filed, and upon independent review of the record and the controlling law, it is ordered that the Magistrate Judge's Report is adopted. It is further ordered, pursuant to the Magistrate Judge's recommendation, that

1. The claims against Defendants Charles Aliano, William Brennan and William Gregory are dismissed without service of process, pursuant to 28 U.S.C. § 1915A(b) and 42 U.S.C. § 1997e(c).

2. This matter is remanded to the Magistrate Judge for further proceedings on Plaintiff's Eighth Amendment claim against Defendants Chuck Bauer and Clem Naylor.

William W. Caldwell
William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 4, 2000

Re: 1:00-cv-00278 Breneiser v. Aliano

True and correct copies of the attached were mailed by the clerk
to the following:

Anthony C. Breneiser
CTY-SUS
Susquehanna County Prison
7 Ellsworth Dr.
Montrose, PA 18801

Michael J. Donohue, Esq.
Kreder, Brooks, Hailstone & Ludwig
P.O. Box 956
220 Penn Ave.
Suite 200
Scranton, PA 18501

cc:

Judge	()	
Magistrate Judge	()	
U.S. Marshal	()	
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	()	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	()	
Other	()	

MARY E. D'ANDREA, Clerk

DATE:

4/4/00

BY:


Deputy Clerk